

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ALVARO CIMENTAL-AYALA,

Plaintiff,

v.

CITIGROUP, INC. & GOVERNMENT  
NATIONAL MORTGAGE ASSOCIATION  
(GINNIE MAE),

Defendant.

Case No. 2:13-cv-01073-MMD-GWF

ORDER

Plaintiff filed a Motion of Dismissal of Defendant Government National Mortgage Company (Ginnie Mae) seeking to dismiss Ginnie Mae. (Dkt. no. 11.) Fed. R. Civ. P. 41(a)(1) provides that a plaintiff may dismiss an action without a court order before the responding party serves an answer or moves for summary judgment. Defendant Ginnie Mae has not taken either action. Accordingly, plaintiff may dismiss Ginnie Mae. Plaintiff's Motion is granted.

Defendant Citimortgage, Inc. filed a Motion to Set Aside Default before removal. (Dkt. no. 1-8.) Plaintiff has failed to respond. The Court finds that good cause exists to grant Citimortgage, Inc.'s Motion as it has demonstrated that service was not properly effectuated. Citimortgage's Motion to Set Aside Default is granted. Citimortgage has ten (10) days to file a responsive pleading.

DATED THIS 19<sup>th</sup> day of August 2013.

  
MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE